



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/509,182

06/02/2005

Mikko Rontynen

0415US-First-Hop

8065

23521 7590 10/05/2009
SALTAMAR INNOVATIONS
1 Mathewson Road
Barrington, RI 02806

EXAMINER

NGUYEN, THUY-VI THI

ART UNIT

PAPER NUMBER

3689

MAIL DATE

DELIVERY MODE

10/05/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/509,182	Applicant(s) RONTYNEN ET AL.	
	Examiner THUY-VI NGUYEN	Art Unit 3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/02/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the applicant's communication filed on 09/23/04 wherein:

Claims 1-53 are currently pending;

Claims 1, 6-7, 9-10, 26-27, 35, 44, 47, 48-54 have been amended;

Claim 53 has been added;

Claim Objections

2. Claim 53 is objected to because of the following informalities: There are two claims number 53. The claim has been added is recited as claim 53. However, it is believed to be claim 55. Appropriate correction is required.

Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. **Claim 1-47** are rejected under 35 U.S.C. 101 because the claims deal with system containing the a logic for executing main tasks, a database, and user interface which do not meet any of the statutory items such as process (method), machine (apparatus), manufacture (product) or composition. The system claims appear to be an apparatus claim in a preamble "*a system for managing...*", however, there are no structures or functional elements which are required in an apparatus claim. For instant, the independent 32 recited "*the system being adapted to receive...; obtain....; search...; perform....*". Therefore, the claims are directed to nonstatutory subject matter.

Art Unit: 3689

5. **Claims 48-53** (Method) are reject under 35 U.S.C. 101 based on Supreme Court precedent, and recent Federal Circuit decisions, the Office's guidance to examiners is that a § 101 process must (1) be tied to a particular machine or apparatus, or (2) transform a particular article to a different state or thing. *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972). If neither of these requirements is met by the claim, the method is not a patent eligible process under §101 and is non-statutory subject matter.

(1) not tied to a particular machine or apparatus, nor

(2) transforms a particular article to a different state or thing.

With respect to **48-54**, the claim language does not transform the underlying subject matter and the process is not tied to another statutory class. For instance in 48, the process steps of “*receiving...; obtaining...; performing....*” is not tied to another statutory class, such as an apparatus, and thus, the claims are directed to nonstatutory subject matter.

Here claims fail to meet the above requirements since there is not a sufficient tie to another statutory class (2) transformation, and thus is directed to nonstatutory subject matter. Insertion of the use of another statutory class (computer) such as “computer-implemented” or “using a computer” features in preamble and the critical functions/bodies of the claims would overcome the rejections.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims **3-4, 9, 13-14, 17-18, 22-29, 34, 36-40** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 call for a system for managing a set of messaging, however, the dep. claims above deals with the method with intended used which is considered as vague and indefinite in the system claim because it is not clear whether the features in the dep. claims above includes any structure and functional elements. .

In examination of the apparatus claim, the claims must be structurally distinguishable from the prior art. While features of an apparatus claim may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. See MPEP 2114. *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997). Apparatus claims cover what a device is, not what a device does. *Hewlett-Packard Co. vs. Bausch & Lomb Inc.* (Fed. Circ. 1990).

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims **1-4, 6-13, 20-21, 33-442, 44, 48-54** are rejected under 35 U.S.C. 102(e) as being anticipated by FOLADARE ET AL (US 6,373,926).

As for independent claim 1, FOLADARE ET AL. discloses a system for managing a set of messaging services, the system comprising: logic for executing main tasks, a profile database, and at least one user interface {see figures 1-2, 4-8}, the system is being adapted to:

receive a message belong to a communication between an end user and a message service, wherein the message is sent from either the message service or a terminal used by the end user

{see at least col. 1, lines 40-59; col. 2, lines 48-67; col. 4, lines 9-14 and at least figures 1-2, and 4-5 discloses the centralized messaging service (120) receives the message is send from the sending party/end user to the subscribers' messaging services (receiving party)},

obtain data from the message, and when the data is a search key,

Art Unit: 3689

{see at least col. 1, lines 50-58, col. 2, lines 57-67; col. 3, lines 1-9; col. 4, lines 24-40; at least figures 1-2, and 4-5, 7 wherein FOLADARE ET AL inherently discloses the data is a search key. For example: the centralized message service (120) receives the message/communication signals from the sending party and prompts the sending party to enter an identifier of the receiving party for whom they wish to leave a message, this identifier/data is considered as a " search key" since the identifier/data will be verified or searched to determine if there is a subscriber of the centralized messaging service corresponds to the identifier},

search at least one profile stored in the profile database by using the search key, said profile being a data collection containing information about the services or end users,

{see at least col. 1, lines 60-67; col. 2, lines 1-15; col. 3, lines 10-25; col. 4, lines 53-67; col. 5, lines 1-20; and at least fig. 7 discloses "once the sending party providing the identifier of the receiving party, the controller (200) in the centralized message service searches the database 125 to retrieves the profile information stored in the database corresponding to the identifier received from the user device of the sending party},

perform at least one task defined by at least one profile which is found in the profile database and which is created by a service provider providing the messaging service,

{see at least col. 1, lines 60-67, col. 2, lines 1-7; col. 3, lines 10-25; col. 4, lines 52-62 which discloses when the centralized message service verifies that the entered

Art Unit: 3689

identifier corresponds to a subscriber, if so, send a message to the sending party prompting them to enter the message that they wish to send, once the sending party enters the message, the centralized message service forwards the message to each of the receiving party's message service providers/receiving party}.

As for dep. claim 2, which discloses generate the search key by using the data as input, this is taught in FOLADARE ET AL, at least col. 3, lines 1-24; col. 4, lines 51-63.

As for dep. claims 3-4 which discloses the message is sent the end user and by the messaging service, this is taught in FOLADARE ET AL, see figures 4-5; col. 1, lines 60-67; col. 2, lines 1-15; col. 3, lines 10-25; col. 4, lines 53-67; col. 5, lines 1-20.

As for dep. claim 6, FOLADARE ET AL, discloses:

form an input message in accordance with the message received and the profile found {see col. 3, lines 10-25; 5, lines 55-67; col. 6, lines 1-35, figure 8, element 850-870; which discloses the input message such as the controller 200 sends the message to the messaging services}

send the input message to the messaging service {see col. 3, lines 10-25; 5, lines 55-67; col. 6, lines 1-2, figure 8, element 850-870, which discloses the input message such as the controller 200 sends the message to the messaging services}, and

receive an output message which the message service sends as response to the input message {at least col. 6, lines 14-35 discloses the message service send a signal (output message) to the centralized message service processor. In other words, the

Art Unit: 3689

centralized message service processor receives the signal (output message) from the message service.

As for dep. claim 7, FOLADARE ET AL, discloses:

form a response message in accordance with the output message received and the profile found, and send the response message to the end user {see col. 5, lines 35-46 discloses the response message from the centralize message service to the end user/sending party}.

As for dep. claim 8, which discloses send and receive message via a message router that provides messaging connectivity, this is inherently include in FOLADARE ET AL, see at least figure 1-2, col. 3, lines 32-51}.

As for dep. claim 9, which discloses the logic executes at least one task for service provider management, this is taught in FOLADARE ET AL, figures 4-8.

Note: As for dep. claim 13 which recites "wherein said logic executes at least one of the following main tasks: service provider management, service management user management, customer care management, and managing the quality of service". This means if service provider managment is selected, the other tasks such as service user management.....the quality of service" is not required by the claim nor would further details of elements " service user management.....the quality of service ". For example dep. **claims 36-44** is further "detail of quality of services" which is not required to be searched.

As for dep. claim 10, which discloses the user interfaces, this is taught in FOLADARE ET AL, figures 1-2, at least col. 60-67; col. 4, lines 1-9}.

As for dep. claims 11-12 which discloses a user profile in the data base, this is taught in FOLADARE ET AL, figure 1-3; at least col. 1, lines 60-67; col. 2, lines 9-15; col. 4, lines 52-62}.

As for dep. claim 13, which deals with the information in the profiles, which includes at least pieces of information such as "alternatives billing model, service usage limitations, service deployment rights, routing rules, a choice of a mobile subscribing...forwarding. It is noted that these information have been determined to be non-functional descriptive material (NFDM), thus having no patentable weight and does not need to be taught by the prior art. Nonfunctional descriptive material can not render nonobvious an invention that would have otherwise been obvious. In re Gulack, 703 F. 2d 1381, 1385, 217 USPQ 401, 40-4 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability. See MPEP 2106.01.

Note: As for dep. claim 13 which recites " the service provider management is based on profiles, which include at least one of the following pieces of information: alternative of a billing model, service usage limitations, service deployments rights, routing rules, a choice of a mobile subscribing integrated services digital network(MSISDN) number forwarding". This means if billing model information is selected, the other information such as service usage.....forwarding" is not required by the claim nor would further details of elements "service usage....forwarding". For example dep. **claims 22-24** is further detail of service usage limitations; **dep. claims**

Art Unit: 3689

25-27 is further detail of service deployments rights, **dep. claims 29-30** is further details of the routing rules” which is not required to be searched.

As for dep. claims 20-21 which discloses the create a profile to another service provider, and providing its rights to another service provider, this is taught in FOLADARE ET AL, figure 8, col. 6, lines 9-35}.

As for dep. claim 33, which discloses specifying a terminal type, this is taught in FOLADARE ET AL, col. 3, lines 60-67; col. 4, lines 1-24}.

As for dep. claim 44, Concerning the step of “determine whether the service has obtained the QoS level” is considered as an option limitation. and according to the MPEP, “language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation” (MPEP 2106.II. C).

As for dep. claims 34, 36-40, It is noted that in examination of the apparatus claim, the claims must be structurally distinguishable from the prior art. While features of an apparatus claim may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. See MPEP 2114. *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997). Apparatus claims cover what a device is, not what a device does. *Hewlett-Packard Co. vs. Bausch & Lomb Inc.* (Fed. Circ. 1990). Manner of operating the device or elements of the device, i.e. recitation with respect to the manner in which a claimed apparatus is intended to be employed/used, does not differentiate apparatus from the prior art apparatus. *Ex parte Masham*, 2 USPQ2d 1647

Art Unit: 3689

(BPAI, 1987). Therefore, system claim with intended use limitation for the system/device or apparatus, i.e. "is based on..." carries no patentable weight.

Moreover, the claims above deals the profile include the hierarchical relationship, performance level of service, this is determined to be non-functional descriptive material (NFDM), thus having no patentable weight and does not need to be taught by the prior art. Nonfunctional descriptive material can not render nonobvious an invention that would have other wise been obvious. In re Gulack, 703 F. 2d 1381, 1385, 217 USPQ 401, 40-4 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability. See MPEP 2106.01.

As for dep. claim 35, which discloses the means/ or tool or service that the message service system act on behalf of the end user, this is taught by FOLADARE ET AL, col. 1, lines 50-58, col. 2, lines 57-67; col. 3, lines 1-9; col. 4, lines 24-40; at least figures 1-2, and 4-5, 7.

As for dep. claims 41-42 which deals with deleting the message received in order to reduce the traffic, this is taught in FOLADARE ET AL, see figures 4-7 "delete message".

As for independent claim 48, basically this claim has the similar limitation as independent claim 1 above. It is rejected for the same reason sets forth rejected independent claim 1 as indicated above.

As for dep. claims 49-54, basically these claims have the similar limitations as dep. claims 2-7 above. They are rejected for the same reason sets forth the rejected dep. claims 2-7 above.

As for the new dep. claim 53 (which is supposed to be dep. claim 55), which has the similar limitation as dep. claim 6 above. It is rejected for the same reason sets forth rejected dep. claim 6 above.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claim 5, 12, 16 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over FOLADARE ET AL.

As for dep. claim 5, FOLADARE ET AL. discloses the claimed invention as indicated above. FOLADARE ET AL. further discloses using the identifier/data which is

Art Unit: 3689

received from the sending party as a “search key” since the since the identifier/data will be verified or searched to determine if there is a subscriber of the centralized messaging service corresponds to the identifier. Once the sending party providing the identifier of the receiving party, the controller (200) in the centralized message service searches the database 125 to retrieves the profile information stored in the database corresponding to the identifier received from the user device of the sending party. See at least col. 1, lines 50-58, col. 2, lines 57-67; col. 3, lines 1-9; col. 4, lines 24-40}.

However, FOLADARE ET AL does not mention about obtaining a second search key, access a second profile to perform a second task. It is noted that, the duplicate of step or feature (second search key/second information) for multiple effects is well known and would have been obvious to a skilled artisan if duplicate search keys /information effects is desired. See In re Harza, See In re Harza, 124 USPQ 378.

As for dep. claims 12 and 16, FOLADARE ET AL disclose a communication service for a subscriber such as pager services, voice mail, and electronic mail. A person may subscribe to any number of these services to receive message from a plurality of different sources using their various message devices {see 1, lines 18-49}. However, FOLADARE ET AL. doesn't mention about the transaction process feature about the fee, or payment which provide to the subscriber. It would have been obvious to one of ordinary skill in the art to recognize the fee service or billing transaction is provided once the user/person subscribe to any communication services such as pager service, phone service, electronic mail service which are utilized on a daily basic of the subscriber.

As for dep. claim 52 which has the similar limitation as dep. claim 5, it is rejected for the same reason sets forth dep. claim 5 above.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. Claims **13-15, 17-19, 22-23, 24-32, 43, 45-47** are rejected under 35 U.S.C. 103(a) as being unpatentable over **FOLADARE ET AL** in view of **TITUS ET AL** (US 7, 428, 510).

As for dep. claim 13, FOLADARE ET AL. discloses the claimed invention as indicated above except for the profiles contains at least one the pieces of information such as “alternatives of a billing mode, service usage limitations, service deployment rights, routing rules, choice of a mobile subscribing integrated services digital network (MSISDN) number forwarding”.

However, It is noted that these information have been determined to be non-functional descriptive material (NFDm), thus having no patentable weight and does not need to be taught by the prior art. Nonfunctional descriptive material can not render nonobvious an invention that would have other wise been obvious. In re Gulack, 703 F. 2d 1381, 1385, 217 USPQ 401, 40-4 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability. See MPEP 2106.01.

Moreover, in the similar method of providing the message service to the subscriber, TITUS ET AL discloses the billing model such as a pre-billing service for messaging delivering service, service usage limitations for the messaging service in order to reduces the possibility for fraudulent billing with respect to payment collections, particularly with respect to the high demand for wireless information services {see figure 4, col. 1, 45-54; col. 1, lines 60-67; col. 3, lines 33-49; col. 7, lines 6-51}.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the messaging service system of **FOLADARE ET AL** to including the billing system for the messaging service as taught by **TITUS ET AL** for the benefit of reducing the possibility for fraudulent billing with respect to payment collections, particularly with respect to the high demand for wireless information services {see figure 4, col. 1, 45-54; col. 1, lines 60-67}.

Note: As for dep. claim 13 which recites “ the service provider management is based on profiles, which include at least one of the following pieces of information: alternative of a billing model, service usage limitations, service deployments rights,

Art Unit: 3689

routing rules, a choice of a mobile subscribing integrated services digital network(MSISDN) number forwarding". This means if billing model information is selected, the other information such as service usage.....forwarding" is not required by the claim nor would further details of elements "service usage....forwarding". For example dep. **claims 22-24** is further detail of service usage limitations; **dep. claims 25-27** is further detail of service deployments rights, **dep. claims 29-30** is further details of the routing rules" which is not required to be searched.

As for dep. claim 14, TITUS ET AL discloses the billing model defines how and to who the use of a service is billed {see figure 4, col. 1, 45-4; col. 1, lines 60-67; col. 3, lines 33-49; col. 7, lines 6-51}.

As for dep. claim 15, which discloses the system is adapted to perform at least one of the following operation, block the transaction of the service, block the use of the service, this is fairly taught in TITUS ET AL {see at least col. 2, lines 25-34; col. 3, lines 33-41}.

As for dep. claims 17-19, which deals with the cost/price/tariff classes or service plan which are allowable for a service, this is taught in TITUS ET AL {see figure 4, col. 1, 45-54; col. 1, lines 60-67; col. 3, lines 33-49; col. 4, lines 41-51, col. 7, lines 6-51}.

As for dep. claims 22-23, which deals with the service usage limitations of the service, this is fairly taught in TITUS ET AL, {see figure 4, col. 1, lines 60-67; col. 3, lines 33-49; col. 4, lines 41-51, col. 7, lines 6-51}.

More over, as for dep. claims 14-26, which appear to be the information/data of the billing model and service usage limitation, the service rights which have been

Art Unit: 3689

determined to be non-functional descriptive material (NFDM), thus having no patentable weight and does not need to be taught by the prior art. Nonfunctional descriptive material can not render nonobvious an invention that would have otherwise been obvious. In re Gulack, 703 F. 2d 1381, 1385, 217 USPQ 401, 40-4 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability. See MPEP 2106.01.

As for dep. claim 27, which discloses means for granting the service right, this is fairly taught in TITUS ET AL, see figures 3-4; col. 1, lines 60-67; col. 2, lines 25-34; col. 3, lines 33-49; col. 4, lines 41-51, col. 7, lines 6-51}.

As for dep. claims 24 and 28, which discloses the access control include the lists which defines who is considered as illegal end users of the service, or who is the legal end users of service, this is fairly taught in TITUS ET AL "message may be prevented from being delivered if insufficient funds are in the subscriber's account " is read over blacklist' or otherwise, message will be transferred "is read over the white list"; see {see figures 3-4, col. 1, lines 60-67; col. 2, lines 25-34; col. 6, lines 52-67; col. 7, lines 6-51}.

As for dep. claims 29-30 which discloses the code of the routing message, this is fairly taught in TITUS ET AL, see figure 2, at least col. 5, lines 15-41}. More over, the codes/information of the routing rules/information, have been determined to be non-functional descriptive material (NFDM), thus having no patentable weight and does not need to be taught by the prior art. Nonfunctional descriptive material can not render

Art Unit: 3689

nonobvious an invention that would have otherwise been obvious. In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 40-4 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability. See MPEP 2106.01.

As for dep. claim 31, which discloses transferring or forwarding the message to a receiver, this is taught in FOLADARE ET AL, {see at least col. 1, lines 40-59; col. 2, lines 48-67; col. 4, lines 9-14.

As for dep. claim 32, which discloses the billing model, or the service usage limitation, this is taught in TITUS ET AL {see figure 4, col. 1, 45-54; col. 1, lines 60-67; col. 3, lines 33-49; col. 7, lines 6-51}.

As for dep. claim 43, which discloses calculating/computing the resource usage of the service, this is taught in TITUS ET AL, see at least figures 3-4; col. 1, 45-54; col. 1, lines 60-67; col. 3, lines 33-49; col. 5, lines 1-27; col. 7, lines 6-51}.

As for dep. claims 45-47 which discloses the transaction in a transaction database, this is taught by TITUS ET AL, see figures 1-4.

Art Unit: 3689

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy-Vi Nguyen whose telephone number is 571-270-1614. The examiner can normally be reached on Monday through Thursday from 8:30 A.M to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on 571-272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. N./

Examiner, Art Unit 3689

/Tan Dean D. Nguyen/
Primary Examiner, Art Unit 3689